

REMARKS

Summary of Current Amendments

Claim 32 was amended and Claims 43-48 were canceled without prejudice. Claims 49-52 were canceled in a previous amendment. Claims 2-7, 22-25, and 58-63 were withdrawn from consideration by the Examiner. Therefore, Claims 1, 8-21, 26-42, 53-57, and 64-72 are currently under Examination.

Claim 32 was amended to recite that the NF- κ B inhibitor is an olefin having at least two electron-withdrawing groups. Support for this amendment can be found in, *inter alia*, Claim 31.

No new matter has been added by these amendments; therefore, Examination is requested on the claims as amended herewith.

Detailed Explanation of Claim Amendments

In the previous Restriction Requirement, the Examiner restricted the claims and required an election of one of following seven groups.

Group I, Claims 1, 8-21, 26-57, and 64-72;

Group II, Claims 2 and 22;

Group III, Claims 3 and 23;

Group IV, Claims 4-6 and 24;

Group V, Claims 7 and 25;

Group VI, Claims 58-60; and

Group VII, Claims 61-63.

Applicant filed a Response on May 16, 2007, and elected Group I, Claims 1, 8-21, 26-57, and 64-72.

In the Amendment presented herein, Claims 43-48, which was part of elected Group I, were canceled without prejudice.

Response to Current Restriction Requirement

In the Office Action Summary of the Restriction Requirement mailed August 14, 2007, Claims 1, 8-21, 26-57, and 64-72 (*i.e.*, Group I) were subject to a further election.¹ Specifically,

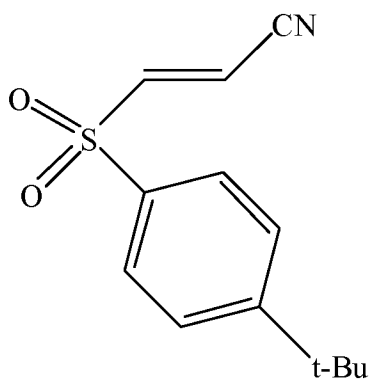
¹ Applicant notes that on page 2 of the Restriction Requirement, the Examiner incorrectly listed the elected claims as "claims 1, 18-21, 26-27." As noted, the elected group was in fact Claims 1, 8-21, 26-57, and 64-72.

the Examiner stated that “applicant is required to define one molecular structure for the NF- κ b inhibitor” (Page 3 of the Restriction Requirement; underline in original).

The Examiner is reminded that Applicant’s previous Response included an election of species for the NF- κ b inhibitor. See page 2 of the previous Response where it states:

“Therefore, Applicants elect the following species with traverse:
colon cancer and BAY 11-7082. Claims 1, 8-18, 20, 21, 26-32,
34-41, and 53 read on the elected species.”

Since this election was not acknowledged by the Examiner, Applicant takes this opportunity to elect a different species of the NF- κ b inhibitor, namely, BAY 11-7085. This compound has the structure



The specific structure of BAY 11-7085 is also recited in Claim 42 (*see also* paragraph 0082 of the specification). So to avoid all doubt, Applicant elects without traverse the NF- κ b inhibitor BAY 11-7085 for prosecution. Due to the amendment herein, Claims 1, 8-21, 26-40, 42, 53-57, and 64-72 now read on this elected species.

Since Applicant also elected the species “colon cancer” in the previous amendment, Claims 1, 8-18, 19-21, 26-42, 53-57, 64-72 read on this elected species.

Finally, the Examiner stated that Claims 32-38, 43, 44, and 47 are generic. This seems to be in error, or at least incomplete. Claims 1, 8-18, 19-21, 26-40, 42, 53-57, 64-72 read on both of the elected species (*i.e.*, the NF- κ b inhibitor and the type of cancer).

CONCLUSION

Applicant elects Group I and the species colon cancer and BAY 11-7085, without traverse.

Included herewith is a Request for a Four-Month Extension of Time. Also, included herewith is payment in the amount of \$820.00 for the Four-Month Extension of Time Fee. This payment is to be charged to a credit card and is being submitted via EFS Web. No additional fees are believed to be due; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment in fees to Deposit Account No. 14-0629.

Respectfully submitted,
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/Christopher L. Curfman/

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CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence – including any items indicated as attached, enclosed, or included – is being transmitted by EFS-WEB on the date indicated below.

/Christopher L. Curfman/

January 10, 2008

Christopher L. Curfman

Date